

4/01742/17/FUL - REMOVAL OF TREE AND CHANGE OF USE FROM AMENITY GREEN TO ACCESS ROAD.

GRASS VERGE FRONTING 17-23 CUTTSFIELD TERRACE, HEMEL HEMPSTEAD, HP1 2AP.

APPLICANT: MRS WEST.

[Case Officer - Briony Curtain]

SUMMARY

The application is recommended for approval.

The current application relates to the provision of an access road only and not any parking spaces (these would be provided within private front garden areas). The proposed access road is not considered to result in the significant loss of amenity space and would help address current parking problems within the site and surrounding environs. The access road would not prejudice matters of highways safety or significantly adversely affect the residential amenities of adjacent properties in terms of light, privacy, visual intrusion or noise and disturbance. The proposal would involve the felling of a large mature tree but in mitigation two trees would be planted further south in the amenity grassed area.

Whilst financed by the residents, the road would be strictly controlled by DBC as the landowner and vehicles would not be able to park within it. If implemented, residents would be granted a right of access for its use to access their parking spaces within their own private front garden areas only.

The proposal is considered acceptable in accordance with Policies CS4, CS8 and CS12 and Policies 57, 59 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011.

SITE DESCRIPTION

The application site is located to the northern side of Cuttsfield Terrace in Chaulden and comprises a grass amenity area to the front of No.s 17-23.

The application site covers a relatively small triangular area of land, which is predominantly grassed, and comprises a mature tree. Part of the site consists of a footpath which runs alongside No. 15 and provides pedestrian access to the terrace of dwellings. Given the slope of the land up to the north, the grassed area, tree and footpath occupy a slightly elevated position above the highway.

There is a similar triangular grassed area of land immediately to the south to the front of No.s 7-15 and a much smaller triangle at the junction with Long Chaulden outside No.s 1-5.

Proposal

Planning permission is sought for the change of use of part of the grassed amenity land into an access road. An existing pedestrian footpath that runs alongside the side elevation of No. 15 Cuttsfield terrace and then in front of No.s 17 - 23 Cuttsfield Terrace would be widened to facilitate vehicular access to cover the entire terrace of 4 dwellings (No.s 17-23). The access road would be accessible to the highway (Cuttsfield Terrace) at one point only; adjacent to No. 15. It would not re-join the highway outside No. 23, a grass area would remain to prevent secondary access. One on-street parking space would be lost as a result of the proposal and the existing disabled parking bay would need to be relocated further along the road. A mature tree would need to be felled as part of the proposal.

The application has been submitted by the owner of No. 21 Cuttsfield Terrace but would need to be financed / agreed by all properties/ landowners in the terrace. The correct ownership

certificate (cert B) has been signed as the land is owned by Dacorum Borough Council and the application is therefore valid.

The proposal does not relate to the creation of any parking spaces and as such no plans of these have been submitted. It is understood these would be created within the front garden areas of the existing properties.

Referral to Committee

The application is referred to the committee, as despite not being the applicant, the land is owned by Dacorum Borough Council. Objections have been received and as such, in line with the Council's scheme of delegation the application must be reported to Members for determination.

Relevant Planning History

4/02187/14/FUL CREATION OF SEVEN PARKING BAYS INCLUDING VEHICULAR
ACCESS TO 21 CUTTSFIELD TERRACE
Withdrawn
01/10/2014

Relevant Planning Policies and Guidance

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Adopted Core Strategy

CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS26 - Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 - Water Management

Saved Policies of the Dacorum Borough Local Plan

Policies 57, 59 and 116
Appendix 5 (Parking)

REPRESENTATIONS

Hertfordshire Highways

The highway authority does not wish to restrict the grant of planning permission. Hertfordshire County Council (HCC) as a Highway Authority does not object to the proposed access across amenity verge leading to parking front garden parking spaces. The proposal is unlikely to have a severe detrimental impact on the highway network and may reduce some of the on street parking that occurs at present in Cuttsfield Terrace, in particular in the evenings. However, the following informatives should be included within the decision notice should the Local Planning Authority wish to grant planning permission.

Trees and Woodlands

The removal of the Plane tree in 2015 was agreed for other reasons. The tree was causing serious damage to the adjacent footpath and for health and safety reasons, the tree had to be felled (cutting off the roots to repair the paved area would have made the tree unstable).

No objections to the removal of the remaining tree provided 2 replacement trees were planted .

Since I have already made an agreement to remove the existing tree in 2015, I will have no objections to removing the same tree now but 2 new trees will need to be planted.

Neighbours

8 Representations Received ; 6 in support, 2 in objection.

OBJECT

- when asked if we would like it go ahead we were under the impression we all had to agree. We don't.
- driving up the access road the car lights will shine straight into the front facing windows which is not ideal.
- the disabled bay would have to be removed causing distress to the user.
- parking is not a real problem, we would all like to park right outside our homes but walking up the road has never been a problem.
- we like having the green outside and would be sad if it went
- the proposal would destroy this carefully planning visual amenity for the street.
- excessive demands for parking, particularly by multiple car families should be moderated by other means such as residents parking zone. A few extra spaces off-street would not reduce the number on-street in the medium or long term

SUPPORT

- There is a severe lack of parking in Cuttsfield Terrace. This is well known by the residents and has been recognised by the council for a number of years. In response to this, the various stakeholders have been discussing the issue and have developed a solution to help ease parking congestion on the street. The proposed solution has been developed over 3 years of consultation with residents, Dacorum Borough Council, MP Mike Penning and Highways. The solution has the potential to remove up to 8 cars from the road benefiting all residents in the immediate area. The cost of the scheme will be met by the owners of 17-23 Cuttsfield Terrace.'
- Cars parked on both sides makes it difficult to see to cross the road. Any measures to move residents cars back from the path would be beneficial.
- Parking is a problem and anything that can be done to alleviate would be beneficial.
- We visit weekly to Cuttsfield Terrace. I am a registered disabled person and my husband can never get close to where we need to park. The road especially gets congested around the two greens as there are few driveways around here especially by the greens and I can't even use the disabled marked bays as they are always in use. Any improvement by letting people use their gardens as driveways would free up spaces and be much safer. I can't even walk down the road on the far side without having to walk into the road as so any people use the path to park to free up other spaces on the road. These houses were built decades ago with no provision for cars. Most families have 2 or 3 cars and this parking problem in Cuttsfield Terrace is only going to get worse. There is another green just up from the houses and a big park at the bottom of the road so it's not going to have a huge impact on green space.
- Parking for the local school is quite a challenge and this is the road that I use. Having the green turned into an access road will ease the availability of parking which is a great idea for us as parents to pick our children up safely.

- I use this road on a daily basis both on foot and by car with my two children. An access road would really help to reduce the amount of cars that are parked on this road as there is not enough road side parking for residents.
- A large amount of cars park up on the curbs - this makes it very difficult and dangerous when walking back and forth with the children during school run. We are very often forced to go into the road so to get around badly parked vehicles. Also due to the parking issues cars often dangerously mount the curb close to you whilst walking on the pavements with the children.
- When using this road by car I have had many issues with parked vehicles, often it is too narrow to pass and you are forced to reverse back down the road. Vehicles force one another to go up on the curb so that they can pass by one another. An Access Road will help reduce the volume of cars parked on curbs and make it a safer road to walk and drive within and would be an obvious solution.

CONSIDERATIONS

Policy and Principle

The proposed development would take place in an urban area of Hemel Hempstead and would therefore be acceptable in principle in accordance with Policy CS4 of the Core Strategy.

This application is the result of some years of consultation. Initially the site was part of the Council's own 'Verge Hardening Project' which highlighted and prioritised areas of parking stress in the Borough, checked the feasibility and cost effectiveness of parking schemes in those areas, and underwent a pre-application process to determine the most appropriate areas and methods to deliver the needed additional parking. A planning application for the site was submitted by Dacorum Borough Council in 2014 which sought consent to create seven additional off-street parking bays for residents at right angles to the Highway. However, this application was withdrawn following objections from Herts County Council Highways. The width of the proposed crossover exceeded guidelines, was adjacent to a footpath and would give rise to adverse safety issues.

The current proposal is the result of further consultation between the Council (Housing), Highways and the residents.

In accordance with policies CS11, 12 and 13, any scheme is expected, inter alia, to *'integrate with the streetscape character, preserve and enhance green gateways, avoid large areas dominated by parking, retain important trees or replace with suitable species if their loss is justified, avoid harm to neighbouring residential amenities and not compromise highway safety'*.

The site is situated within Character Area HCA1: Chaulden, wherein, the development principles set out that *'amenity land is to be retained unless it can be demonstrated that the loss of that land will not unduly harm the character and appearance of the area. In certain cases parts of areas of amenity land could be used for car parking depending on the resulting visual impact and the effects on established landscaping'*.

Saved Policy 57 Provision and Management of Parking in the DBLP states: *(g) In areas experiencing severe on-street parking pressures, consideration will be given to the establishment of residents parking schemes.*

Saved Policy 116 goes on to refer to the following approach to developing on open land in the larger settlements: *"...[proposal] will be assessed on the basis of the local contribution the land makes to leisure facilities, townscape, visual amenity, nature conservation and the general environment."*

In accordance with the above, the proposal is considered acceptable in principle, and given DBC applied for additional parking bays in the area, there appears to be an accepted justification for the proposed parking.

The main considerations are its visual impact of the loss of the amenity area (including the contribution the amenity area makes to the wider community), impact on highway safety and impact on residential amenity.

Visual Amenity

The creation of an access road within this amenity green would result in a change to the appearance of the area through the introduction of additional hard surfacing and the reduction in the size of the amenity green, in addition to the loss of an existing mature tree.

However, there are several factors which should be noted:

- Previously it was proposed to create seven off street parking spaces at right angles to the highway which resulted in the loss of a far larger amount of the amenity green. No objection on visual grounds was raised to this scheme but it was withdrawn following objections from County Council Highways (the proposed means of access to the off street parking spaces would result in over extended vehicle crossovers, which in turn is not acceptable to the Highway Authority).
- An area of amenity green to the frontage (the most prominent position in the street scene) would remain and this will ensure that the visual impact of the proposal when experienced from Cuttsfield Terrace is minimised;
- The access road would be constructed of grass crete to minimise its visual impact and integrate with the existing grassed amenity area.
- The access road would essentially comprise the widening of the existing footpath which is already hard surfaced and again this will minimise the overall visual impact;
- Although clearly providing a local amenity to the immediate residents of Cuttsfield terrace, it is not considered that the amenity green is of such importance within the wider locality to warrant its retention in full when weighed against the benefits of the proposal.
- This part of Chaulden has other far more significant areas of open spaces which would not be impacted upon by this proposal
- The loss of the tree has previously been accepted so could be felled without additional consent
- The loss of the large mature tree would be mitigated through the planting of two smaller trees further to the south of the same amenity area and thus, given the bend of the road, visible from further down the road.

Whilst accepting that the existing larger amenity green creates a pleasant outlook for adjoining residential occupiers, the majority would be retained and the small area lost must be balanced against the benefit of providing additional parking for residents. In addition it is important to note that the access road would not be able to be used for parking. This would be strictly controlled in the terms / rights of access agreements entered into with DBC as landowner. If cars were to park of the access road, it would prevent access to other parking areas within adjacent sites.

The overall visual impact of the development is considered minimal. The proposal is considered acceptable in visual terms and would not have a significant adverse impact on the overall character or appearance of the street scene.

Impact on Neighbours

The proposal would not have a significant adverse impact on the residential amenities of adjacent properties.

Objections have been received from one of the residents within the terrace directly affected (No. 17) with regard to light intrusion. The Council's Environmental Health Officer has been consulted on the application and has stated that they do not consider that the potential impacts regarding light intrusion are significant enough to warrant the requirement of specific mitigation measures as part of the development. The road would provide access to four residential properties only and thus the intensity of its use would not be significant. It is acknowledged that the headlights of cars would shine into the frontage of No. 17 for a very short period of time, but this is not an uncommon scenario in many urban areas and would not have a significant detrimental impact on residential amenity.

It is considered that the proposal will not result in an unacceptable impact upon neighbouring properties and thus complies with Policy Cs12 in this regard.

Parking and Highways Safety

The Highway Authority have been consulted on the application and have raised no objection. They have recommended a number of informatives to be placed upon the decision notice in respect of construction standards, storage of materials, obstruction of the highway and road deposits. These have been included.

It has been confirmed by the County Council that the position and layout of the access road would not result in significant harm to matters of highways safety as a result of the current proposal. It is proposed to create a single width crossover with access across the amenity land, serving off street parking spaces. The proposal is unlikely to have a severe detrimental impact on the highway network and may reduce some of the on street parking that occurs at present in Cuttsfield Terrace, in particular in the evenings.

Conclusions

The proposed road would allow access to new parking spaces within the front gardens of the properties. It would thus aid the provision of much needed local parking. The proposal would be achieved in a way that would not significantly compromise the visual amenity of the area and any adverse impact would be mitigated. As such, the proposal is considered to comply with the relevant planning policy environment as detailed within the report.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

DBC/014/022a Rev A
1:1250 Os Extract
Application form
Design and Access Statement.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 **Prior to the access road being bought into use, two replacement trees shall be planted fully in accordance with details which shall have been submitted to and approved in writing by the local planning authority.**

Reason: In the interests of visual amenity and in accordance with Policies CS12 and saved policies 57, 116 and area based policies (HCA1) of the Dacorum Borough Local Plan.

HIGHWAY INFORMATIVES;

AN1) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Storage of materials

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Obstruction of the highway

AN3) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Mud on highway

AN4) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.